

Children's Residential Care Update

WINTER 2010-11/SPRING 2011

★ 20th Year of Updates to the Provider Community ★

This is a combined *Children's Residential Care Update* for the last quarter of 2010 and first and second quarters of 2011. We are now in the twentieth year of our efforts to keep the children's residential care community informed of licensing programs and services. Your support in sharing this *Update* with colleagues in your organization and others interested in children's issues is appreciated.

Our *Updates* are available online at the California Department of Social Services (CDSS) Community Care Licensing Division (CCLD) website. They can be viewed or obtained at <http://cclcd.ca.gov/PG457.htm>.



AN UPDATE ON THE "NEW DIRECTIONS" OF CCLD



The CCLD is continuing to test the Key Indicator Tools (KIT) that have been developed for use during inspections to facilities and homes to check for compliance with licensing standards. This test will be used to further refine the KIT Inspection protocol and develop additional tools for all facility types.

All inspections are still subject to all laws and regulations regardless of the type of inspection. For example, if during a KIT Inspection, CCLD observes a violation that is not listed on the KIT, CCLD will address that violation.

For additional information, visit the MYCCL website at http://www.myccl.ca.gov/default.asp?b=New_Directions.



IMPLEMENTATION UPDATE FOR ASSEMBLY BILL 978 (Benoit), CHAPTER 291, STATUTES OF 2008

In early 2011, CCLD will complete the final stage of implementing Assembly Bill (AB) 978. In addition to the provisions of the bill which have already been implemented, this bill requires the assessment of an immediate civil penalty for designated serious violations at community care facilities.

AB 978 lists serious violations warranting an immediate civil penalty assessment of \$150 per day, per violation, for the following violations:

- Fire clearance violations, including: overcapacity, inoperable smoke alarms, and inoperable fire alarm systems;
- Absence of supervision, as required by statute or regulation;
- Accessible bodies of water;
- Accessible firearms, ammunition or both;
- Refused entry of authorized licensing staff;
- Presence of an excluded person on the premises.



CERTIFIED FAMILY HOMES REGULATIONS APPROVED

The Office of Administrative Law has approved the Certified Family Homes (CFH) regulations, which became effective November 10, 2010.

These CFH regulations conform CFH to the revised Foster Family Home (FFH), California Code of Regulations (CCR), Chapter 9.5. They address a long-standing need for standalone CFH regulations in order to recognize that CFH operate more like FFH rather than Small Family Homes (SFH). To provide further clarity for providers, the regulations also remove exceptions to SFH regulations.

Highlights of the updated regulations include:

- Children are permitted to have age and developmentally appropriate access to cash resources, personal hygiene products, kitchen knives, appliances, disinfectants, and cleaning solutions [(FFH Regulations Sections 89226(c), 89372(a)(2)(B), and 89387.2(b)(1) through (3)].
- CFH capacity shall be a total of six children or, to accommodate sibling groups, a total of eight children. Capacity will now include adoptive, biological, and guardianship children in the home. Waivers or exceptions are permitted for caregivers who may be able to care for more children [(FFH Regulations Section 89228(a)(1) through (3)].

- Caregivers are required to provide children with transportation to medical appointments, school, and activities unless otherwise arranged [(FFH Regulations Section 89374(c)(1) through (3)].
- Caregivers must use the Reasonable and Prudent Parent Standard as directed in the regulations when arranging other care for children or allowing children to participate in activities in or outside the home [(FFH Regulations Sections 89378(a)(1)(A), (a)(1)(A)3.a., (a)(1)(B), (a)(1)(D), (a)(1)(F), and (b); 89379(b); 89387(d)(1); and 89387.2(b)(1) through (3)].
- Caregivers are permitted to arrange for occasional short-term babysitters, alternative caregivers, respite care, leaving children alone without adult supervision, licensed child care, and participation in activities [(FFH Regulations Section 89378(a)(1)(A) through (F)].
- Caregivers are permitted to provide emergency medical assistance, injections, and medications under specified conditions (FFH Regulations Section 89475.1).

CFH are authorized to conform to the revised FFH regulations by Section 88030, subsection (f) of the Foster Family Agencies (FFA) regulations, CCR, Chapter 8.8. Complete text of the FFA and FFH regulations can be found on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG295.htm>.



CHAPTERED LEGISLATION FOR 2010

A summary and implementation plan for pertinent bills chaptered in 2010 that affect Children's Residential facilities and homes will be available on the CCLD website soon at <http://cclld.ca.gov/PG830.htm>. Unless otherwise noted in the summary and implementation plan, these bills become effective on January 1, 2011. You are encouraged to review these plans to ensure compliance with the provisions of these bills. If you have any questions, you are encouraged to contact your local licensing regional office.



STATEWIDE CHILDREN'S RESIDENTIAL PROGRAM OFFICE AND TECHNICAL ASSISTANCE AND POLICY BRANCH NOW AT CDSS HEADQUARTERS

After sixteen years of serving as a hub of headquarters activity, the "Pink Palace" has lost the Statewide Children's Residential Program Office and the Technical Assistance and Policy Branch (TAPB) to the CDSS headquarters based in the twin towers at 744 P Street in downtown Sacramento.

The move to "OB8" and "OB9" relocated the Statewide Children's Residential Program Office and TAPB to be in-house with other CDSS headquarters activities. TAPB consists of the Administrator Certification Section, Central Training Section, and the Policy Development Bureau (PDB). PDB includes the Adult Policy and Systems, Senior Care Policy, and Children's Residential Policy Sections. Main line telephone numbers are below.

Administrator Certification Section	(916) 653-9300
Policy Development Bureau	(916) 651-3456
Statewide Children's Residential Program Office	(916) 651-5380

All staff e-mail addresses remain the same. However, all staff direct line telephone numbers have changed. If you wish to reach a staff member in any of the above bureaus or sections, please call the main line telephone number listed above.



U.S. CONSUMER PRODUCT SAFETY COMMISSION BANS DROP-SIDE CRIBS

As a follow up to the article in our Summer 2010 *Children's Residential Care Update* on the recall of more than 2.1 million drop-side cribs, we now advise you that the federal U.S. Consumer Product Safety Commission (CPSC) has approved new mandatory standards to require fixed-side cribs. These standards take effect in June 2011.

The CPSC found that drop-side rails have come loose from cribs and created dangerous "V"-like gaps between mattresses and side rails where babies can be caught. These malfunctions have contributed to the suffocation and strangulation deaths of at least 32 babies since 2000. Additional deaths have resulted from defective or faulty hardware. More than 11 million cribs have been recalled by the CPSC since 2007.

Caregivers who have drop-side cribs are advised to see if their brands of cribs are subject to recall and check hardware on the cribs to ensure it is working properly. For more information about crib recalls and the new standards, please visit the [CPSC website](#).



TOY SAFETY

Now that children in your care are spending the cooler winter days indoors playing with the toys they received during the recent holiday season, toy safety tips from Safe Kids Worldwide, which endeavors to prevent accidental childhood injury, are worth consideration. These toy safety tips include:

- Considering the child's age, interests, and skill level.
- Keeping toys with small parts away from children under age three. They can choke on small toys and toy parts.
- Supervising children when they play and set good examples of safe play. A toy intended for an older child may be dangerous in the hands of a younger child.

- Teaching children to put toys away after playing. Safe storage prevents falls and other injuries.
- Checking old and new toys regularly for potentially harmful things such as sharp edges or small parts. Make any needed repairs immediately or throw away damaged toys.

Additional toy safety information can be found on the [Safe Kids Worldwide Toy Safety website](#).



TAX ASSISTANCE FOR FOSTER PARENTS

The National Foster Parent Association (NFPA) provides a tax benefit guide for foster parents that describes basic rules and offers information on how foster parents can claim tax deductions and credits that may be available to them. As advised by the NFPA and since the most recent tax guide available on the NFPA website is dated 2009, foster parents should consult with their professional tax preparers to see which benefits they may currently qualify for. For more information, please visit the [NFPA website](#).

RESIDENTIAL CARE STATISTICS

All of the statistics for state and county licensed Children's Residential Care facilities are available online. When you visit the new CCLD home page at <http://www.cclld.ca.gov>, please click on the "Facility Facts" tab at the top of the page. Click on the "Licensing Statistics" link on the center of the page that appears. Then, click on the desired "State Licensed Facilities by Geographical Area" or "County Licensed Facilities" link on the center of the page. Directories can also be obtained from your local licensing office.

SUMMARY

If you have questions about this *Update* or proposed regulations, or suggestions for future topics, please contact Gary Palmer, Chief of the Technical Assistance and Policy Branch at (916) 651-3490. Please visit our website at www.cclld.ca.gov to obtain *Updates*, office locations, provider letters, regulations, or to learn more about licensing services. Information about all Children's Residential facilities and homes, including Out-of-State Group Homes and the Statewide County Foster Family Home Program, is available on the CCLD website at <http://cclld.ca.gov/PG499.htm>.

Sincerely,

Original signed by Jeffrey Hiratsuka

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division